

**Application No.: 10/762,881**

**Docket No.: 02309/0200763-US0**

## REMARKS

## Pending Claims

Claims 1-4 are pending. Claims 5-7 have been withdrawn from consideration. Claim 8 has been added. Claim 8 is supported by claim 1 and the specification and the drawings. No new matter has been added.

## Information Disclosure Statement

It is alleged in the Office Action that foreign documents were not filed along with the IDS. However, the attached documents (Exhibit A) show that the foreign documents were included with the IDS filed April 6, 2004. It appears that the foreign documents were lost within the USPTO, and therefore, copies of the foreign documents are again provided herein for consideration. Because the foreign documents were provided by Applicants properly and timely with the April 6 IDS, Applicants respectfully request that the foreign documents be considered fully.

### Claim Rejections – 35 USC §103

Claims 1-4 have been rejected under 35 USC §103 as being unpatentable over Passafiume in view of Pfaff, Jr.

Applicants respectfully submit that the cited prior art references do not disclose, teach, or suggest the invention as set forth in claim 1 for at least the following reasons.

Claim 1 as amended recites as follows:

Claim 1 (currently amended): A rotary cutter comprising:  
a first roll rotatable about a first roll axis; and  
a second roll rotatable about a second roll axis which is parallel to the first roll axis;  
a first cutting blade and a first abutment which are provided on a periphery of the first roll and a second cutting blade and a second abutment which are provided on a periphery of the second roll;

**synchronizing means for synchronizing each rotation of the first roll and the second roll so that when the first roll and the second roll rotate in synchrony the first cutting blade**

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**of the first roll opposes the second abutment of the second roll and the first abutment of the first roll opposes the second cutting blade of the second roll; and**

**distance setting means for setting a distance between the first cutting blade and the second abutment and between the first abutment and the second cutting blade,**

**wherein the first roll and the second roll rotate in synchrony to receive a fibrous product, and the first cutting blade and the second abutment are configured to hold and cut the fibrous product partway through the thickness from one side thereof, and the first abutment and the second cutting blade are configured to hold and cut the fibrous product partway through the thickness from the other side thereof at a location different from the cut made by the first cutting blade and the second abutment. (Emphasis added.)**

Claim 1 is not obvious for at least the bolded features above. That is, the invention as set forth in claim 1 has a first cutting blade of the first roll that opposes a second abutment of the second roll and a first abutment of the first roll that opposes a second cutting blade of the second roll. The first roll and the second roll are configured in such a way that a fibrous product is cut partway on one side by the first cutting blade while supported by the second abutment, and the fibrous product is cut partway from its opposite side by the second cutting blade while supported by the first abutment at a location different from the cut made by the first cutting blade. Therefore, two separate staggered cuts are made and the fibrous product is not cut all the way through as shown, for example, in Fig. 5 of the present specification.

In contrast, the jaws 11, 13 and the non-resilient means 16, 18 of Passafiume cooperate with each other to make a single cut all the way through (i.e. to partition the fibrous batt). This can be clearly seen in Fig. 3A-C where the jaw 11 of the roll 12 and jaw 13 of the row 14 cooperatively engage to cut or partition the batt. Fig. 1 shows that partitioning the batt means cutting the batt.

Pfaff Jr. similarly does not disclose the features of claim 1. Pfaff Jr. describes co-rotating, cutting blades 16 and 17 on cylinders 10, 12 to cut blanks or workpieces. These cutting blades 16, 17 are not configured as featured in claim 1.

Therefore, the cited references combined or separately considered do not disclose, teach, or suggest the present invention as set forth in claim 1. A person of ordinary skill would not have found the invention of claim 1 obvious for the foregoing reasons.

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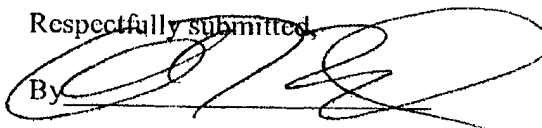
Claims 2-4 which depend from claim 1 are not obvious for at least the same reason a claim 1.

New claim 8 having similar features as claim 1 is not obvious for at least the same reasons as claim 1.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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